

**Remarks/Arguments:**

**Claim Status**

Claims 11, 13, 17-22, 24 and 25 are currently pending. Claims 12, 14-16 and 23 have been cancelled without prejudice or disclaimer of the subject matter thereof. Select features of cancelled claims 12 and 14-16 have been incorporated into claim 11. Support for new claims 24 and 25 may be found, for example, in paragraphs 20 and 28 of the published application.

**Rejection Under 35 U.S.C. §112**

Claims 11 and 23 stand rejected under 35 U.S.C. §112, first paragraph. Applicants have removed the means language from claim 11 to comply with the enablement requirement. Reconsideration of the rejection of claim 11 is respectfully requested in view of Applicants' amendments to claim 11.

**Rejection Under 35 U.S.C. §102**

Claims 11-17, 22 and 23 stand rejected under 35 U.S.C. §102(b) as being anticipated by US 6,708,100 to Russell. Applicants respectfully request reconsideration of the rejection of these claims and respectfully submit that these claims are patentable over Russell for the reasons set forth below.

Independent claim 11 recites limitations that are neither disclosed nor suggested by Russell, namely "a longitudinal controller for actuating the vehicle acceleration controller according to a desired vehicle acceleration, a current vehicle acceleration, a current driving engine torque and a current brake pressure." Russell does not disclose (1) a longitudinal controller that actuates a vehicle acceleration controller, or (2) a controller that **accounts** for a desired vehicle acceleration, a current vehicle acceleration, a current driving engine torque and a current brake pressure. The Office Action contends that those features are disclosed on column 4, lines 12-24 of Russell, however, Applicants respectfully submit that Russell's sensor does not account for either current driving engine torque or current brake pressure. Moreover, it is unknown if Russell's sensor accounts for either a desired vehicle acceleration or a current vehicle acceleration. Column 4, lines 12-24 of Russell merely refers to adjustment of the accelerator. Russell therefore fails to disclose or suggest every element of Applicants' claimed invention, as it is recited in claim 11. Accordingly, for the foregoing reasons, Applicants respectfully submit that independent claim 11, as amended, is patentable over Russell and

should be allowed. Claims 13, 17 and 22 are dependent upon claim 11, and therefore should also be allowed at least as being dependent upon an allowable base claim. Reconsideration of claims 11, 13, 17 and 22 is respectfully requested.

**Rejections Under 35 U.S.C. §103**

Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,708,100 to Russell in view of US 2003/0135318 to Tellis. Applicants respectfully request reconsideration of the rejection of these claims and respectfully submit that these claims are patentable over Russell and Tellis for the reasons set forth below.

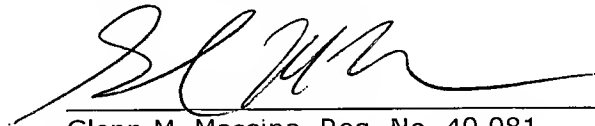
Claims 18 and 19 depend from claim 11. As explained above, Russell fails to disclose or suggest several features of claim 11. Furthermore, Tellis also does not disclose or suggest "a longitudinal controller for actuating the vehicle acceleration controller according to a desired vehicle acceleration, a current vehicle acceleration, a current driving engine torque and a current brake pressure." Tellis therefore fails to overcome the deficiencies of the Russell reference. Accordingly, because claims 18 and 19 include features that are neither disclosed nor suggested by Russell and/or Tellis, *prima facie* obviousness cannot be established based on the cited references. Reconsideration of claims 18 and 19 is respectfully requested.

Claims 20 and 21 stand rejected under 35 U.S.C. §103(a) as being anticipated by 6,708,100 to Russell in view of US 2004/0153217 to Mattes. Claims 20 and 21 depend from claim 11. As explained above, Russell fails to disclose or suggest several features of claim 11. Furthermore, Mattes also does not disclose or suggest "a longitudinal controller for actuating the vehicle acceleration controller according to a desired vehicle acceleration, a current vehicle acceleration, a current driving engine torque and a current brake pressure." Mattes therefore fails to overcome the deficiencies of the Russell reference. Accordingly, because claims 20 and 21 include features that are neither disclosed nor suggested by Russell and/or Mattes, *prima facie* obviousness cannot be established based on the cited references. Reconsideration of claims 20 and 21 is respectfully requested.

**Conclusion**

In view of the amendments in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,



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